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Held at Headquarters, New York, on Monday, 31 October 2005, at 9.30 a.m.

Chairman: Mr. Butagira ..... (Uganda)

Contents

Agenda item 71: Human rights questions (*continued*)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)*

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)*

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)*

* Items which the Committee has decided to consider together.

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The meeting was called to order at 9.40 a.m.

Agenda item 71: Human rights questions (*continued*) (A/60/40, 44, 129, 336, 392 and 408)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/60/134, 266, 272, 286, 299, 301 and Add.1, 305, 321, 326, 333, 338 and Corr.1, 339 and Corr.1, 340, 348, 350, 353, 357, 374, 384, 392, 399 and 431; A/C.3/60/3 and 5)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/60/221, 271, 306, 324, 349, 354, 356, 359, 367, 370, 395 and 422; A/C.3/60/2)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/60/36 and 343)

1. **Mr. Gzllal** (Libyan Arab Jamahiriya) said that, despite the efforts of the international community through the United Nations system to promote and protect human rights, it had not so far been possible to prevent violations of human rights. The latter were taking on new forms of violence and counter-violence, terrorism and counter-terrorism, religious and ethnic intolerance and strife, and foreign occupation. One example was the violation by Israeli occupying forces in occupied Palestinian territory of the collective rights of the Palestinian people, including the right to self-determination. The international community should address such matters in the context of the reform of the United Nations by establishing a Human Rights Council.

2. The developing countries were still unable to exercise their right to development because, as a result of the adverse economic environment, they had lost control of their economic equilibrium and social stability and faced the triple threat of poverty, ignorance and disease. Development was not merely a matter of economics, it also meant improvement of human capacities, particularly those of deprived and marginalized groups. That was consistent with what had been recognized by the international community, which had made the system of human rights instruments a tool for achieving justice, equality and sustainable development for all mankind.

3. His delegation considered that the reform of human rights should be more than merely formal, and that the establishment of the Human Rights Council should be consistent with the position of the States of the Non-Aligned Movement and the African Group as contained in the Sirte Declaration, adopted the previous July. The Council should promote and protect human rights and fundamental freedoms for all on the basis of equality, cooperation and constructive dialogue, free from political confrontation and pressure. It should have a broad mandate and a membership that ensured the equitable geographical representation of the Member States. Its mandate should preclude the politicization of human rights and the use of double standards. States that wanted to be members of the Council merely in order to pursue their own agendas unrelated to human rights should be excluded.

4. With its accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, his country had become a party to all the international human rights instruments. At the national level, the Green Paper was the frame of reference for human rights and provided, in particular, for the abolition of all degrading punishments and the passing of prison sentences only where the person sentenced would be a danger to others. It also imposed severe penalties on anyone who subjected any prisoner or accused person to torture or ill-treatment. His country had nothing to hide or be ashamed of in the field of human rights; its regime was based on an affirmation of the right of all to live in freedom and dignity without exploitation or injustice.

5. **Mr. Aksen** (Turkey) said that General Assembly resolution 60/1 provided the basis for the crucially important reform process to increase the relevance, effectiveness and credibility of the Organization. The proposed establishment of a Human Rights Council was at the heart of human rights reform.

6. His Government had embarked on an ambitious human rights reform programme with the aim of abolishing the death penalty, combating torture, promoting fundamental freedoms, improving civil-military relations and other measures. The adoption of a new Penal Code, drafted with the involvement of the Council of Europe and local and international NGOs, was among the benchmarks of recent legislative reforms. Turkey was also a party to all the principal United Nations human rights conventions and was in

the process of ratifying the two optional protocols to the International Covenant on Civil and Political Rights.

7. Human rights education was an important element of his Government's human rights programme and included training for law enforcement officers, security forces and the judiciary in conjunction with the Council of Europe and European Union. In addition, a special monitoring group had been established to review the implementation of human rights reforms.

8. Turkey was engaged in a constructive dialogue with human rights mechanisms at the United Nations and regional levels and had been among the first countries to extend standing invitations to the special procedures. For example, his Government had received the Representative of the Secretary-General on internally displaced persons in May 2005.

9. The Plan of Action submitted by the High Commissioner for Human Rights (A/59/2005/Add.3, annex) provided a clear vision for the implementation of human rights standards. His delegation welcomed the planned increase in the resources of the Office of the High Commissioner for Human Rights, which would enhance its ability to discharge its functions.

10. **Mr. Bariki** (Togo) said that the promotion and protection of human rights played a crucial role in the efforts by States to combat poverty and underdevelopment. His Government therefore endeavoured to guarantee the right of all its citizens to life, freedom of expression, freedom of religion and other fundamental freedoms. Togo was engaged in judicial reform to build confidence of its citizens in its national human rights institutions.

11. In accordance with the commitments made under the Cotonou Agreement between the European Union and African, Caribbean and Pacific States, his Government had freed all political prisoners and detainees awaiting trial. By opening its prisons and places of detention to humanitarian organizations, it wished to prove that there were no arbitrarily detained persons or instances of torture or inhumane treatment. Togo also enjoyed an international reputation as having one of the most liberal press codes in Africa.

12. Ignorance and poverty remained major obstacles, however, to the enjoyment of the most essential human rights. In developing countries affected by debt burdens, natural disasters, disease, famine and other scourges, the issue of the right to development was particularly relevant, especially as structural adjustment programmes imposed by international financial institutions were depriving them of resources required for investment and the creation of wealth. Convinced that the implementation of the World Programme for Human Rights Education would contribute to the promotion of human rights, his Government had introduced such education in schools.

13. Lastly, his delegation welcomed the fact-finding mission dispatched by the United Nations High Commissioner for Human Rights to shed light on the violence and allegations of human rights violations occurring in Togo before, during and after the presidential elections of 24 April 2005 even if some factual elements put forward in the final report were debatable or erroneous. Since the elections, his Government had made every effort to put human rights at the heart of its policies and to ensure that future elections would not be marred by similar violent incidents.

14. **Ms. Tincopa** (Peru) said that human rights included not only civil and political but also economic, social and cultural rights and the right to development. They were not limited to formal structures of a law-based State or to the regular transition of power through free and fair elections; they must also be based on social cohesion and civic participation. As stated at the 2005 World Summit, human rights were universal, indivisible and interdependent. The new Human Rights Council must be a permanent body with full authority to promote universal respect for human rights and fundamental freedoms. Furthermore, it must put forward recommendations which should be considered by all relevant United Nations organs, including the Security Council. Measures to protect human rights should be timely and preventive and take into account the views of victims.

15. Her Government attached particular importance to the issue of migration and to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It would be hosting a special international ministerial conference of developing countries with significant migration flows in Lima in April 2006. Her delegation also called for the development of an international convention on the protection and promotion of the rights of persons with disabilities. Lastly, her

Government supported the adoption of a declaration on the rights of indigenous peoples in accordance with paragraph 127 of General Assembly resolution 60/1.

16. **Mr. Abdelaziz** (Egypt) said that respect for human rights must be linked with respect for the principles of justice and equality at the national and international levels, especially within a multilateral framework. There was a need to recognize the specific character of the world's various cultures, traditions, religions and other factors and there should be no interference in the domestic affairs of others through the imposition of certain patterns of human rights. Member States must work together to eliminate all selectivity, politicization and double standards with respect to human rights.

17. To achieve those objectives, reform of the international human rights machinery must encompass all issues, including nuclear disarmament and non-proliferation, specifically the fulfilment by nuclear and other States of their obligations under the Nuclear Non-Proliferation Treaty, as the Treaty related directly to the fundamental right to life. States should also fulfil their commitment to promoting development. There should be no link between respect for human rights and the rising phenomenon of terrorism, as the international community would not be able to eliminate terrorism unless it dealt first with its root causes, including occupation and depriving peoples of their inalienable right to self-determination.

18. The proposed Human Rights Council required the political will of Member States to promote capacity-building so that States might observe human rights fully within the framework of international law. The Council must emphasize that respect for human rights was the responsibility of the State. In addition, the Council's functions must be clearly delineated so that the General Assembly might direct its work.

19. His Government had taken important steps to promote and protect human rights and to increase public participation in forging national priorities. Egypt currently had 17 political parties and was extending the limits of freedom of expression. Presidential elections had been held for the first time by individual secret ballot under the full supervision of the judiciary. Furthermore, legislation had been enacted regulating elections, political parties and parliament. Those measures had increased voter turnout. In addition, women were increasingly active in political and civic life. Human rights had been advanced through the establishment of national institutions for the promotion and protection of human rights and Egypt's accession to the Arab Charter on Human Rights.

20. **Mr. Begg** (New Zealand) said that the continuing failure to apply the provisions of existing international human rights instruments to persons with disabilities had highlighted the urgent need for a convention dedicated to their rights. Through the swift adoption and implementation of such a convention, the international community would go some way towards making good its neglect of disabled persons. To that end, he urged all delegations to support a three-week meeting in January 2006 of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

21. **Mr. Le Luong Minh** (Viet Nam) said that the right to food must be fully recognized as a human right deserving of international attention. In a larger context, his delegation attached special importance to the right to development, whose realization was a prerequisite for the enjoyment of all human rights and fundamental freedoms. Viet Nam had made it a top priority to combat hunger and reduce poverty and was creating an enabling environment for the promotion and protection of all human rights.

22. All human rights were important, indivisible and interlinked. It was both wrong and counterproductive to overemphasize certain human rights while neglecting others. The selectivity and double standards of the Commission on Human Rights had politicized and paralysed its work. His delegation supported the idea of establishing a working group to discuss how the new Human Rights Council could avoid the same fate.

23. His Government was doing its utmost to facilitate religious practices in the country, such as by granting the right of long-term land use to religious communities and by providing them with tax exemptions. It also attached special importance to ensuring equal rights and development for all ethnic groups through policies implemented in political, economic, cultural and social areas. Ethnic minorities were encouraged to participate in decision-making processes at all levels. They also actively participated in designing and implementing various socio-economic development strategies, programmes and plans

specially designed for them. His Government attached great importance to strengthening international cooperation on human rights on the basis of equality, mutual respect and understanding, and constructive dialogue.

24. **Mr. Córdovez** (Ecuador) said that his country had adopted the main international agreements and conventions on human rights as well as a national plan on human rights, which had enabled it to promote a culture of tolerance and respect among all ethnic, social and cultural groups. Given the transnational character of migration, active cooperation was required between the home and host countries of migrants. His Government therefore called on Governments and sectors of civil society, particularly in the developed world, to protect the rights of vulnerable migrants from discrimination and to welcome the positive aspects of migration. International migration required a strengthened dialogue and regional, subregional and global coordination based on the explicit recognition of shared responsibility. In that context, his delegation hoped that there would be a greater number of signatures and ratifications of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

25. **Ms. Juul** (Norway) said that the work of the United Nations on human rights had sometimes rightly been criticized for being politicized, selective and ineffective. However, there was an opportunity to make a real difference by acting on the clear directives from the 2005 World Summit Outcome. Norway welcomed the commitments made at the Summit to further mainstream human rights and to double the regular budget of the High Commissioner for Human Rights. It supported the decision to establish a Human Rights Council, which should be made a standing organ capable of addressing emerging and ongoing human rights situations throughout the year. The Council could be established as a subsidiary organ of the General Assembly with the possibility of its becoming a principal organ. The special procedures should be retained and the current role of civil society retained and improved. The Council must be given sufficient autonomy and be mandated to deal effectively with crises. It should be entrusted with thematic issues and mainstreaming and should also be expected to contribute to capacity-building and technical cooperation. Furthermore, it should focus on implementation and move away from repetitive annual debates.

26. For the composition of the Council to strike a balance between being representative and effective, its membership should not be significantly lower than that of the Commission. The legitimacy of the Council's membership could be ensured through pledges or by subjecting members to non-selective reviews, provided that a feasible and time-effective format could be found.

27. The urgency of establishing the Council was clear from the continuation of widespread human rights violations. While attempts were being made to justify some of those violations by the fight against terrorism, that legitimate fight must take place within the boundaries of international law, in particular international human rights and humanitarian law. Human rights were also promoted by fighting poverty and providing access to health care and education.

28. Norway remained strongly opposed to the death penalty, which was inherently inhuman and irreversible and had no deterrent effect. Her Government welcomed the global trend towards the abolition of the death penalty but remained concerned about the large number of executions still carried out.

29. International human rights instruments must be not only ratified but also implemented, and for human rights machinery to be effective equal emphasis must be given to economic, social, cultural, civil and political rights. The ongoing work aimed at considering options for an individual complaints mechanism to the International Covenant on Economic, Social and Cultural Rights was important in that regard.

30. **Mr. Amolo** (Kenya) welcomed the new emphasis on implementation at the national level in the Plan of Action of the High Commissioner for Human Rights, supported the proposals for strengthening the Office of the High Commissioner or Human Rights through adequate and earmarked resources and fully supported the idea of preparing an annual global report on the state of human rights. Those reforms should be approached in an objective and transparent manner, allowing for a broad participation by Member States.

31. It was unacceptable that millions of people still went without food in a world of surplus food production, and the international community must

make concerted efforts to remedy that situation. As a developing country, Kenya supported the ongoing efforts to entrench the right to development within the United Nations human rights system. In that connection, his Government appreciated the work undertaken by the high-level task force on the implementation of the right to development and endorsed the conclusions and recommendations adopted by the open-ended Working Group on the Right to Development at its sixth session. His Government also reiterated its position that counter-terrorism strategies must ensure full respect for human rights.

32. The greatest challenge with respect to health in many developing countries was the inability to provide care and treatment to patients suffering from serious diseases, such as HIV/AIDS, tuberculosis and malaria. The international community must look for ways to make the drugs used to treat those diseases more accessible and affordable to patients. The right to health was in jeopardy if the correct balance could not be established between it and intellectual property rights.

33. His Government had developed an elaborate institutional framework for the promotion and protection of human rights by establishing a national commission on human rights and an inter-ministerial committee to deal with cross-cutting human rights issues. It was also in the process of developing a national action plan on human rights, which would provide a comprehensive programmatic framework for the promotion and protection of human rights. Other reform measures included an unprecedented sector-wide programme to promote good governance, the administration of justice and the protection of human rights throughout the judicial system; an economic recovery strategy for wealth and employment creation; programmes for the equitable distribution of budgetary resources; and an agricultural recovery strategy to ensure food security. His Government was also in the final stages of reviewing the Constitution, and a referendum was scheduled to be held on the new Constitution on 21 November 2005.

34. **Mr. Alaei** (Islamic Republic of Iran) said that, although globalization offered extensive opportunities for worldwide development, the economies of many developing countries suffered as world trade and financial markets became more integrated. The private sector played a vitally important role in enhancing overall development, and it therefore needed to act in a more responsible and accountable manner. Corporate social responsibility and its impact on poverty eradication, full employment and social integration should be recognized. Multilateral institutions could also play a unique role in meeting the challenges presented by globalization, and they should recognize, respect and protect all human rights. Since globalization and its potential risks might have a negative global impact, it should be made fully inclusive through cooperation and should be guided by the fundamental principles underpinning human rights.

35. **Mr. Mra** (Myanmar) said that developed countries generally gave more emphasis to civil and political rights, whereas developing countries naturally focused on such rights as the right to development and to food, although all subscribed to the ideal of universal and indivisible human rights.

36. The promotion and protection of human rights must be addressed globally through a constructive approach based on dialogue and non-confrontation. Only cooperation on human rights issues could bring about an improvement in the global human rights situation. The selective targeting of some developing countries for punitive action on the grounds of human rights only increased the mistrust between those criticizing and those being criticized. It had been politicization, double standards and a lack of impartiality that had called into question the credibility of the Commission on Human Rights. His delegation therefore hoped that the Human Rights Council would address human rights issues with due regard for objectivity and with respect for sovereignty, territorial integrity, political independence and the principle of non-interference in the internal affairs of States.

37. Embargoes and unilateral sanctions as a means of political and economic coercion against developing countries did not serve any meaningful purpose. Such measures not only had a negative impact on the countries and peoples they professed to help but also denied them the enjoyment of their basic human rights, including the right to development.

38. Myanmar had been unjustly accused of systematic violations of human rights by some countries of the West at a time when, through the adoption and gradual implementation of a road map, it had been endeavouring to build a modern, democratic State in which all its citizens could fully enjoy human

rights. No country had a perfect human rights record. However, contrary to the allegations, the policy of the Government of Myanmar was to promote and protect human rights and not to violate them.

39. Factual, objective and unbiased reporting was crucial when dealing with country-specific human rights situations. Reports based on unfounded allegations and political bias would only further compound an already difficult situation. The report of the Secretary-General on the situation of human rights in Myanmar (A/60/422) contained glaring errors and inaccuracies as well as wrongful assertions, such as the claim that the conflict had escalated along the Myanmar-Bangladesh border. The report seemed to give the impression that the United Nations, which was supposed to remain neutral, had joined with others in criticizing Myanmar. The thrust of the report was too negative and ignored some significant developments and instances of cooperation with the United Nations. His delegation strongly objected to such a methodology, which was contrary to the purposes and principles of the Charter of the United Nations.

40. The Permanent Representative of Myanmar to the United Nations had drawn the matter to the attention of the Secretary-General in an official letter (A/C.3/60/2), requesting him to issue that letter as an official document of the General Assembly under agenda item 71 (c). Similarly, the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar (A/60/221) contained many unfounded allegations which his delegation firmly rejected. It would strongly oppose any reference to them in the draft resolution on Myanmar.

The meeting rose at 11.20 a.m.